UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF OHIO AT TOLEDO

In re:

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Melvin G and Susan M Aldrich,

Chase Bank USA, N.A. 14 Penn Plaza, Suite 1300 New York, NY 10122,

Plaintiff,

VS.

Melvin G Aldrich 905 S. Poplar St. Fostoria, OH 44830,

Defendant.

Bankruptcy No. 06-33395 Chapter 7 Judge Mary Ann Whipple

ADV. NO.

COMPLAINT OBJECTING TO DISCHARGEABILITY OF INDEBTEDNESS (11 U.S.C. §523)

NOW COMES Plaintiff, by and through its attorney of record, Richard J. Welt, to allege and complain as follows:

I. PARTIES AND JURISDICTION

- 1. Plaintiff is a foreign corporation licensed to do business in the State of Ohio with all fees and licenses paid, and otherwise is entitled to bring this action.
- 2. Defendant filed a Chapter 7 bankruptcy petition on 11/21/2006.
- Jurisdiction is vested in this proceeding pursuant to 28 U.S.C. § 157, 28 U.S.C. § 1334, and 11 U.S.C. §523; this proceeding is a core matter.

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4. Plaintiff is a creditor in this bankruptcy proceeding and is the original party in interest having extended a line of credit, which is the subject matter of this proceeding.

II. CAUSE OF ACTION

- Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs1 through 4, above.
- 6. Defendant had a charge account with Chase Bank USA, N.A., Account No. XXXXXX0966.
- 7. Defendant incurred charges and cash advances on this account totaling \$30,680.43, including interest, as of 11/21/2006, the date the bankruptcy petition was filed.
- 8. It appears that on 08/07/2006 Defendant incurred \$32,000.00 in charges and made subsequent payments totaling \$1,904.00 for a net increase of \$30,096.00.
- 9. Defendant's debt is a "consumer debt", as defined by 11 U.S.C.§ 101(8).
- 10. By obtaining and/or accepting an extension of credit from Plaintiff and incurring charges on their account, Defendant represented an intention to repay the amounts charged.
- 11. Plaintiff reasonably relied on the representations made by Defendant.
- 12. Defendant incurred the debts when they had no ability or objective intent to repay them.
- Defendant obtained credit extended from the Plaintiff by false pretenses, false representations and/or actual fraud.
- 14. As a result of Defendant's conduct, Plaintiff has suffered damages in the amount of \$30,096.00.

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15. Pursuant to 11 USC § 523(a)(2), Defendant should not be granted a discharge of this debt to the Plaintiff in the amount of \$30,096.00.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grant the following relief:

- 1. A monetary judgment against Defendant in the amount of \$30,096.00, plus accrued interest at the contractual rate from and after 11/21/2006, plus additional interest at the contractual rate, which will continue to accrue until the date of judgment herein;
- 2. An order determining that such debt is non-dischargeable under 11 USC § 523(a)(2);
- 3. An order awarding Plaintiff its attorneys' fees and costs incurred herein; and
- 4. An order awarding Plaintiff such additional relief as this Court deems just and equitable.

DATED: March 1, 2007

/s/ Richard J. Welt

Attorney for Plaintiff Richard J. Welt SC # 0017978 Attorney at Law 673 Mohawk Street, Suite 203 Columbus OH 43206 614-445-8811

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ADVERSARY PROCEEDING COVER SHEFT (Instructions on Reverse) PLAINTIFFS Chase Bank USA, N.A. ATTORNEYS (Firm Name, Address, and Telephone No.) Richard J. Welt Attorney at Law Attorney At Law (573 Mohawk Street, Suite 203 Columbus, OH 43206 Findlay, OH 45840 Findl		ADVERSARY PROCEEDING NUMBER						
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(continued next column) ☐ Check if this case involves a substantive issue of state law. ☐ Check if this is asserted to be a class action under FRCP 23 ☐ Check if a jury trial is demanded in complaint ☐ Demand \$30,096.00	• • • • • • • • • • • • • • • • • • • •	state court if difference to builkruptey case						
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	Check it this case involves a substantive issue of state law.	Check it tills is asserted to be a class action under PRCP 25						
	☐ Check if a jury trial is demanded in complaint	Demand \$30.096.00						
Other Relief Sought								
	Other Relief Sought							

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES							
NAME OF DEBTOR					BANKRUPTCY CASE NO.		
Melvin G and Susan M Aldrich					06-33395		
DISTRICT IN WHICH CASE IS PENDING DIVISION			AL OFFICE		NAME OF JUDGE		
NORTHERN		TOLEDO			Mary Ann Whipple		
RELATED ADVERSARY PROCEEDING (IF ANY)							
PLAINTIFF	DEFENDANT			ADVERSARY PROCEEDING NO.			
DISTRICT IN WHICH ADVERSARY IS PENDING DIVISION		ONAL OFFI	CE	NAME OF JUDGE			
SIGNATURE OF ATTORNEY (OR PLAINTIFF)							
/s/ Richard J. Welt							
DATE			PRINT NAME OF ATTORNEY (OR PLAINTIFF)				
March 1, 2007			Richard J. Welt, SC#0017978				

INSTRUCTIONS

The filing of the bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is field electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on our court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Parties. Give the name of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.